

**DELEGATION OF AUTHORITY
CLEAN AIR ACT (CAA)**

Noncompliance Penalty: Assessment and Signing Consent Agreements

1. **AUTHORITY.** Pursuant to section 120 of the Clean Air Act:
 - a. To assess and receive payment of a noncompliance penalty against every person described in Section 120(a)(2)(A) of CAA; and
 - b. To negotiate and sign consent agreements memorializing settlements between the Agency and respondents under Section 120 of the CAA.
2. **TO WHOM REDELEGATED.**
 - a. To the director, Office of Compliance and Enforcement, or equivalent.
 - b. The authority to negotiate consent agreements is redelegated through the regional counsel to the unit managers in the office of Regional Counsel.
3. **LIMITATIONS.**
 - a. The office director must consult with the AA for OECA before exercising the above authority.
 - b. The office director must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising this authority. The regional counsel, or equivalent, may waive concurrence in writing.
 - c. The AA for OECA may exercise these authorities in multi-regional cases or cases of national significance.
 - d. The AA for OECA must notify the affected office director before exercising this authority.
 - e. The AA for OECA may waive, in writing, consultation requirements.
 - f. The Agency official who signed the complaint should sign the settlement agreement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the unit manager level, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSON.** This delegation supersedes R10 7-41-A (05/28/2004) and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.** EPA Delegation 7-41-A.

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Date



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Acting Regional Administrator